



**APPOMATTOX COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

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**SUMMARY OF PROPOSED AMENDMENT
TO ZONING ORDINANCE**

Date: September 9, 2020

Section: AMENDMENT to Section 19.6-97.2 (2) Visual Impacts, Setbacks, and Buffering

Origin of Request:

Board of Supervisors

At the August 17, 2020 meeting of the Board of Supervisors, the Board requested that the Planning Commission re-examine the setbacks for utility-scale solar energy farm projects. After adopting the new ordinance in June, 2020, concerns have been raised about the restrictive nature of the combination of the setback from the property lines and the setback from streams.

When the ordinance was originally developed, the setback discussion started at 75 feet from the property line with the Planning Commission having the ability to increase the setback to 100 feet in sensitive areas (near residential, cultural, historical or recreational areas). There was no limit on how close the arrays or equipment could be to a creek or stream. As discussions progressed through last fall, the language was changed by the Planning Commission to the current 500 feet from property lines and 500 feet from creeks/streams. The discussion revolved around three factors; 1) protecting adjoining property owners, especially residential dwellings, 2). visual impacts from adjoining roadways, and 3). environmental protections for creeks/streams.

Staff has prepared a worksheet showing how other localities have approached setbacks. As you can see on the worksheet, the setback from property lines in the Appomattox County Zoning Ordinance is more than double that of most localities, most of the time it is three or four times greater. Powhatan County's setback is the closest to ours. Staff did not find any other ordinance that specifically places a setback from streams/creeks in their ordinance. One suggestion regarding the setback from streams/creeks is to use the same distance as modeled by the state's biosolids regulations. The biosolids regulations adopted by the Virginia Department of Environmental Quality (DEQ) have a two-fold setback from streams/creeks. If there is a vegetative buffer, then the setback is 35 feet. If no vegetative buffer exists, then the setback is 100 feet. DEQ also has a model ordinance for utility-scale solar farms. However, this model is basic in design and offers no suggestions on setbacks other than to say the setback should be similar to other uses within the district to which the use is allowed.

When analyzing the setback issue from property lines, it becomes apparent that the nature these projects is to have multiple large parcels under contract. This creates a situation where the developer must meet the setback from many "interior" property lines as well as the "outer" property lines that serve as the project boundary. Throw in the setback from creeks/streams and some large parcels suddenly have a very limited amount of usable land.

Public Hearings:

Planning Commission- TBD

Board of Supervisors-TBD

Proposed Amendment(s):

The Planning Commission will need to discuss both the setback requirement from property lines and the setback requirement from creeks/streams.